

PENDING BOARD APPROVAL

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING AUGUST 27 & 28, 2003
PRESCOTT, ARIZONA**

The following Board Members and staff were present: President Paul Draugalis, Vice President Dennis McAllister, Gene Drake, Charles Dutcher, William E. Jones, Daniel Ketcherside, and Linda McCoy. Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Mitzi Wilson, and Dean Wright, Deputy Director Cheryl Frush and Executive Director Hal Wand.

President Draugalis convened the meeting at 9:00 A.M. and welcomed the audience to the meeting. President Draugalis recognized Hal Wand as the new Executive Director of the Board and Cheryl Frush as the new Deputy Director of the Board. President Draugalis introduced Victoria Wang, an intern from the University of Arizona, who is currently doing a rotation at the Board of Pharmacy Office. President Draugalis then administered the Oath of Office to Charles Dutcher to allow Mr. Dutcher to assume duties of a voting member of the Board. President Draugalis then introduced Rich Cieslinski as the new Compliance Officer. He then introduced the Board members and audience to the Board's new Assistant Attorney General, Roberto Pulver.

AGENDA ITEM 1 - APPROVAL OF MINUTES

Following a review of the minutes and an opportunity for questions and **on motion by Mr. McAllister and Mr. Jones** the minutes of the Regular meeting and the Executive Session on June 19, 2003 were unanimously approved with one spelling correction to be made on Page 5 of the Regular meeting minutes.

AGENDA ITEM II - OATH OF OFFICE

President Draugalis presented Mr. Dutcher with a plaque from the Governor's office.

AGENDA ITEM III - PERMITS/LICENSES

Pharmacy Permits:

Deputy Director Frush advised the Board that pharmacy permits shown on Schedule A of the agenda included non-resident applications and all of the applications were in order and all fees have been paid.

Individuals representing Lifecare Solutions, MediStar Healthcare Connections, and Cardinal Health 101, Inc. were present and responded to questions from Board Members.

Lifecare Solutions was represented by Michael Hardy. Mr. Draugalis asked Mr. Hardy to describe the business. Mr. Hardy explained that he is the Director of Operations. He explained that Lifecare Solutions provides home infusion and respiratory services to patients. He stated that the business has been in operation for seven years and has had numerous owners. He stated that the company filed for Chapter 11 bankruptcy in November of 2002 and on July 8, 2003 came out of bankruptcy because the company was purchased by the new owner and that is the reason that the company is requesting a new permit.

MediStar Healthcare Connections was represented by Calvin Thompson, Ini Akpabio, and Julie Stritzel. Mr. Draugalis asked the representatives to describe their proposed operation. Mr. Thompson began by stating that the company is requesting a limited service pharmacy permit. The company will be a non-dispensing pharmacy. The company is owned by three pharmacists with over 50 years of combined experience and one non-pharmacist in charge of fiscal operations. The company's plan is to improve patient safety in hospital settings by providing hospitals with pharmacists to review patient orders 24 hours a day, 365 days a year. They plan on beginning operation in January of 2004. Mr. Thompson stated the company intends to establish highly secure, HIPPA,

compliant connections to institutional pharmacy systems. Once connected, they will provide pharmacist medication order review and order entry. They will be available by telephone to healthcare providers at those institutions to provide drug information, assistance with calculations, and any other information pertinent to a patient's drug therapy. MediStar will accept physicians' medication orders electronically from institutions. Upon receipt a pharmacist will access the institution's pharmacy system via a secure, HIPPA compliant connection, review the order for appropriateness and completeness, and input the order into the pharmacy system. Interventions will be performed in a manner consistent with the institution's internal policies and procedures.

After hearing the company's proposed business plan, President Draugalis opened the discussion by asking the pharmacists if they each planned on working 56 hours a week to maintain their 24 hours, 365 days a year commitment. Mr. Thompson and Mr. Akpabio indicated that they would be hiring additional pharmacists to assist them in carrying out this commitment. President Draugalis asked if other Board Members had questions.

Mr. McAllister asked Mr. Thompson if they would be oriented to each hospital site. Mr. Thompson replied that they would spend time prior to beginning service at each hospital learning the hospitals system. Mr. McAllister asked if they had contacted any facilities to see if they would be interested in their service. Mr. Thompson replied that they have had substantial interest, but do not have any firm contracts. Ms. Stritzel stated that many hospitals are waiting to see if the company receives Board approval for their proposal.

Mr. McAllister reminded Mr. Thompson if an error occurs the Board may sanction both the pharmacist-in-charge and the hospital. Mr. Thompson stated that he is aware of the issue and they will address errors as part of their policy and procedures.

Mr. Dutcher asked Mr. Thompson if they will have secure computer lines. Mr. Thompson replied that they will meet or exceed HIPPA standards for security. Mr. Dutcher asked if the pharmacists will learn each hospital system or will they be assigned to one specific hospital. Mr. Akpabio stated that the pharmacists will be divided into teams. Mr. Dutcher also wanted to know if it would be difficult for the pharmacists to manage the overwhelming amount of information. Mr. Thompson said that they are used to working in different hospital environments and he did not see any problems with performing different tasks at each hospital.

Mr. Jones asked Mr. Thompson to describe their security measures that would insure HIPPA requirements will be met. Mr. Thompson stated that they will have a secure, protected pharmacy environment. Mr. Thompson stated that they will use a physical personal authentication device. Their proposed device will be a card. Mr. Jones asked if orders will be faxed or imaged. Mr. Thompson replied that orders may be faxed or imaged. Mr. Jones asked about the security of the documents. Mr. Thompson stated that the documents would be placed in secure cabinets. Mr. Jones asked who would provide the necessary equipment and interfaces. Mr. Thompson stated that the hospital would be responsible for providing equipment on their side and that interface costs would be negotiable. Mr. Jones asked if the three pharmacists starting the company all have hospital experience and would the pharmacists that they hire in the future have hospital experience. Mr. Thompson stated that even with the pharmacist shortage that they will be selective in the pharmacists that they hire and they must have hospital experience.

Ms. McCoy asked Mr. Thompson if they plan on offering this service to hospitals in other states. Mr. Thompson replied that their main focus at this time is hospitals in the state of Arizona. He stated that they may wish to expand in the future and this may be an option that they would consider.

Mr. Jones asked if there were any waivers the Board should consider at this time. Executive Director Wand addressed the question. He stated that since the company is asking for a limited service permit that they should include any exceptions in their policy and procedures manual, such as equipment for compounding purposes.

Mr. McAllister stated that since this is a groundbreaking experience for the company he would like to have them update the Board at a future Board meeting. He asked Mr. Thompson if they would report back to the Board six months after opening and provide a report to the Board concerning medication safety, medication interventions, and issues. Mr. Thompson said they would be glad to return and provide an update to the Board.

Cardinal Health 101, Inc. was represented by Gary Cacciatore, Director of Regulatory Affairs for Cardinal Health. Roger Morris was also present as legal counsel. President Draugalis asked Mr. Cacciatore to explain their business. Mr. Cacciatore explained that Cardinal Health 101 provides off-site order entry of hospital medication orders. Their focus is on medication safety. JCAHO standards require that pharmacists review each prescription order and contact the prescriber when questions arise. Many hospitals have been cited by JCAHO for overrides by nursing staff. It was found that 70% of the hospitals do not have 24 hour/7day a week coverage. Cardinal Health 101 opened their first pharmacy site in Texas in February. They started by providing services for 1 hospital and now are managing services for 6 hospitals located in Texas. Cardinal Health 101 is planning to operate on a national and regional basis. Currently, they have 1 pharmacy site in Texas and will soon be opening pharmacy sites in Florida, Illinois, Ohio, and California. They have been contacted by potential customers in Arizona and that is why the company is requesting a non-resident permit. The Arizona customers will be serviced by the Texas facility. Cardinal Health 101 is very concerned about licensing issues and will apply for appropriate licenses. The pharmacists working for Cardinal Health 101 all have hospital experience. The pharmacists have access to the patient profile, drug interactions, and the patient's laboratory tests. Mr. Cacciatore stated that since his company has been operating in Texas that they do have data available on the types of interventions performed by the pharmacist. The types of interventions include the following: overdose/underdose, allergies, and drug interactions.

President Draugalis began the discussion by asking Mr. Cacciatore if the pharmacists are licensed in Arizona. Mr. Cacciatore replied that they do not currently have any pharmacists licensed in Arizona, but if required they will comply with that request.

Ms. McCoy asked Mr. Cacciatore about using video technology when the hospital does not have an automated dispensing system. Mr. Cacciatore stated that the hospitals that they currently service have automated dispensing systems. He stated that his company does not plan to monitor the dispensing function. He stated that if a hospital does not have an automated system that they would provide DUR services and the hospital could fax the order to his pharmacy. The pharmacist would fax the order back to the hospital with an indication that the order was approved. Ms. McCoy asked if the pharmacy had phone contact with the hospital. Mr. Cacciatore explained that the pharmacy has a morning conference with each hospital. Ms. McCoy asked Mr. Cacciatore how the pharmacists would be trained to use the different systems. Mr. Cacciatore stated that 30 days prior to beginning service, a pharmacist is sent to the site to learn the system and the hospital's policies and procedures. The pharmacy keeps a copy of each hospital's policies and procedures. The pharmacist will attend staff meetings at the hospital if the hospital is close in proximity to the pharmacy. He stated as the business grows, they plan to assign certain pharmacists to certain hospitals.

Mr. McAllister reminded Mr. Cacciatore that by providing services while the hospital pharmacy is closed does not eliminate the need for the hospital to have an on-call pharmacist available for immediate concerns. Mr. Cacciatore stated that they will not change this requirement.

Mr. Jones asked Mr. Cacciatore if his pharmacy will have access to the pharmacy computer system at the hospital and will they have the authority to change orders. Mr. Cacciatore explained that the pharmacy will have remote access through a virtual private network. The pharmacist's work will be tracked by their initials and would be the same as if the pharmacist was working at the hospital site.

Executive Director Wand addressed the Board concerning the conversation he had with Mr. Cacciatore. They had discussed the issue of all pharmacists providing services to Arizona hospitals to be licensed in Arizona. Mr. Wand explained that it would be difficult for the Board to take action against a pharmacist unless he was licensed in Arizona. If the pharmacist was not licensed in Arizona, the only recourse the Board would have is to take action against the permit holder.

At the conclusion of questions from Board Members and **on motion by Mr. McAllister and Ms. McCoy**, the Board unanimously approved the resident pharmacy permits listed below, with the exception of MediStar Healthcare Connections, and the non-resident permits listed below, with the exception of Cardinal Health 101, Inc.. All approvals are subject to final inspection by a Board compliance officer where appropriate.

On motion by Mr. McAllister and Ms. McCoy, the Board unanimously approved the pharmacy permit for MediStar Healthcare Connections with the following conditions:

- 1). The hospitals maintain all statute and rules requirements for institutional pharmacies including the on-call pharmacist.
- 2). Six months after beginning operations, they will return to a Board meeting to present a medication incidence report related to their services.

On motion by Mr. McAllister and Ms. McCoy, the Board unanimously approved the pharmacy permit for Cardinal Health 101, Inc. with the following conditions:

- 1). Six months after beginning operations in Arizona, they will return to a Board meeting to present a medication incidence report related to their services in Arizona
- 2). All pharmacists performing medication services for Arizona patients must be licensed in Arizona.

RESIDENT (in Arizona)

Pharmacy

Eckerd Drugs #3348
Eckerd Drugs #5329
Eckerd Drugs #5345
Eckerd Drugs #5307
Bashas' United Drug
Food City United Drugs #154
Bashas' United Drug #130
SunScript Pharmacy-Retail
SunScript United Pharmacy
Walgreens Drug #6692
Fry's Food and Drug #77
SunScript Pharmacy Long Term
Safeway Pharmacy #2676
CVS Pharmacy #5814
Lifecare Solutions
Eckerd Drugs #5311
Saliba's Extended Care Pharmacy
Target Store #0179
Target Store T-1838
MediStar Healthcare Connections

Location

8705 E. Speedway Blvd., Tucson, AZ 85710
1610 E. Camelback Rd., Phoenix, AZ 85016
50 E. Dunlap, Phoenix, AZ 85020
4330 E. Southern Ave., Mesa, AZ 85206
4855 E. Warner Rd., Phoenix, AZ 85044
9020 W. Thomas Rd., Phoenix, AZ 85037
5115 N. Dysart Rd., Litchfield, AZ 85340
5395 E. Erickson Dr., Tucson, AZ 85712 (O)
1514 W. Todd Dr. B-103, Tempe, AZ. 85283(O)
4766 E. Queen Creek Rd., Gilbert, AZ 85297
3198 Willow Creek Rd., Prescott, AZ 86305
5395 E. Erickson Dr., Tucson, AZ 85712 (O)
9101 E. Baseline Rd., Mesa, AZ. 85208
9950 E. Guadalupe Rd., Mesa, AZ 85201
4401 E. Baseline, Suite #110, Phoenix, AZ 85042
2428 S. Val Vista Dr., Gilbert, AZ 85296
11713 W. Thunderbird, Ste B, El Mirage, AZ 85335(O)
5255 E. Broadway, Tucson, AZ 85711
3425 W. Frye Rd., Chandler AZ 85226
3040 N. 44th St. Ste 2A, Phoenix, AZ 85018

Owner

Eckerd Corporation
Eckerd Corporation
Eckerd Corporation
Eckerd Corporation
Bashas' Inc.
Bashas' Inc.
Bashas' Inc.
Lobos Acquisition of AZ, Inc.
Lobos Acquisition LLC
Walgreen Arizona Drug Co.
Smiths Food & Drug Centers, Inc.
Lobos Acquisition of AZ., Inc.
Safeway Inc.
Crimson Mesa CVS, LLC
Lifecare Solutions, Inc.
Eckerd Corporation
Guardian Pharmacy of AZ. LLC
Target Corporation
Target Corporation
MediStar Healthcare Connections

(O) - Change of Ownership

NON-RESIDENT (out of state)

Pharmacy

Freedom Pharmacy, Inc.
CardioCare Kit LC
Zoopharm
Serve You Custom Prescription Management Inc.
Focus Express Mail Pharmacy Inc.
Hartley Medical Center Pharmacy Inc.
Oncology Supply Pharmacy
Keyser Medisave Pharmacy Inc.
Walgreens Healthcare Plus Inc.
Correct RX Pharmacy Services Inc.
Hemophilia One Health Care
Wellness Health & Pharmaceuticals
Red Cross Drug
Motto Pharmacy, Inc.
NMHCRX Mail Order, Inc.
Med World Acquisition Corp.
VetCentric
HealthCare Pharmaceuticals
Liberty Commercial Health Services
Longs Drug Store #168
Intravenous Therapy Services Pharmacy
Cardinal Health 101, Inc.

Location

6401 Sheridan St. Hollywood, FL 33024
1002 E. South Temple Ste 204, Salt Lake City, UT 84102
3131 Grand Ave Suite B, Laramie, WY 82070
9051 W. Heather Ave, Milwaukee, WI 53224
1250 Easton Rd. Ste 100, Horsham, PA 19044
2888 Long Beach Blvd. #125, Long Beach CA 90806
2801 Horace Shephard Rd. Ste A, Dothan, AL 36303
433 South Mineral St., Keyser, WV 26726
9775 SW Gemini Dr, Beaverton OR 97008
803A Barkwood Court Ste A, Linthicum MD 21091
3510 Village Dr., Lincoln NE 68516
3401 Independence Dr. Ste 231, Birmingham, AL 35209
111 N. Main, Blanchard, OK 73010 (O)
4152 W. Blue Heron Blvd. #129, Riviera Beach FL 33404
9994 Premiere Parkway, Miramar, FL 33025
80 Red Schoolhouse Rd., Chestnut Ridge NY 10977
839 Bestgate Rd., Annapolis MD 21401
3950 South 700 East #205, Salt Lake City UT 84107
1111 SE Federal Hwy, #216, Stuart FL 34994
1119 California Ave, Reno, NV 85904
2108 W. Magnolia Blvd. Burbank CA 91506
4512 S. McCall Rd., Edinburg, TX 78539

Owner

Freedom Pharmacy, Inc.
Cardiocare Kit LC
Zoopharm
Serve You Custom Prescription Management Inc
Focus Express Mail Pharmacy Inc.
William Stuart
Amerisource Bergen Corporation
Keyser Medisave Pharmacy, Inc.
Walgreens Healthcare Plus Inc.
Correct RX Pharmacy Services Inc.
Matthew and Deborah Rye
Wellness Health & Pharmaceuticals
Lowlyn Pharmacies, Inc.
Patience Dhillwayo
NMHCRX Mail Order, Inc.
Omnicare Corporation
VetCentric
Healthcare Pharmaceuticals, Inc.
Liberty Commercial Health Services
Longs Drug Stores California, Inc.
Marcel Sassola III
Cardinal Health 101, Inc.

(O) - Change of Ownership

Wholesale Permits

Deputy Director Frush briefed the Board about the wholesale permits on the agenda. She indicated that the application for Maple Leaf Discount Drugs was not in order at this time. All other applications were in order and all fees have been paid.

Individuals representing VWR International Inc., Medline Industries Inc., and Gaelic were present and responded to questions from Board Members.

VWR International Inc. was represented by Kelly Glass, the Service Center Manager. President Draugalis asked Ms. Glass to describe the business for the Board members. Ms. Glass stated that VWR provides laboratory supplies, chemical supplies, and clean room supplies to the microtechnology and semiconductor industries. The reason that they are requesting a wholesale permit is to replenish nursing stations at a local semiconductor company. She stated a VWR employee will inventory the nursing stations and order necessary supplies. The product will be shipped to VWR and they will verify the correct product was received and the product will then be taken to the semiconductor company and the nursing station replenished.

President Draugalis started the discussion by asking Ms. Glass if the product will be stored at different sites. She said the product will cross the dock at VWR and within 24 hours will be taken to the company where the nursing stations are located.

Mr. Jones asked Ms. Glass what type products the company plans to stock in the nursing stations. She replied that they will stock over-the-counter items such as band-aids, swabs, and aspirin. The reason they are asking for a full-service permit is the fact that if a doctor requests a prescription medication they will be able to provide the medication. At this time, they do not plan on stocking controlled substances.

Mr. Wand reminded Ms. Glass that their company can only sell to the medical director or the nurse practitioner at the site. He also explained that the DEA issues two different registrations. Ms. Glass stated that if her company applies for a permit it will be the DEA registration that allows them to carry precursor products such as pseudoephedrine.

Medline Industries, Inc. was represented by Scott Wenner, distribution center manager. President Draugalis asked Scott to give an overview of the business. Mr. Wenner stated that the company is a national distributor of supplies to hospitals and nursing homes. Mr. Wand reminded Mr. Wenner that their company can only sell to the medical director, physicians, or nurse practitioners employed by the nursing homes. Mr. Wenner stated that the orders are placed by physicians.

Gaelic was represented by Kathleen Sieperman. Mr. Draugalis asked Ms. Sieperman to describe her company's business. Ms. Sieperman stated that her company will be providing health and security services to private jets, luxury yachts, commercial airlines, and high-net worth individuals. The company offers a response center, emergency medical kits, training, medical evacuation and kidnap ransom assistance. President Draugalis asked Ms. Sieperman to verify the company's address.

At the conclusion of questions by the Board Members, **on motion by Mr. McAllister and Mr. Dutcher** the Board unanimously approved the following wholesale permits with the exception of Maple Leaf Discount Drugs which was tabled. All permits are subject to inspection by the compliance officer where appropriate.

Wholesaler (all Full Service)

VWR International, Inc.
Medline Industries, Inc.
Gaelic
Maple Leaf Discount Drugs

Location

475 W. Vaughn Dr. Ste 101, Tempe, AZ 85283
860 S. 83rd Ave, Ste 115, Tolleson, AZ 85353
23610 N 20th Dr. Suite 10, Phoenix, AZ 85027
2139 E. Sierra Madre Ave., Gilbert, AZ 85296

Owner

VWR International, Inc.
Medline Industries, Inc.
Medaire, Inc.
R & R LLC

Pharmacist and Pharmacy Intern Licenses

Following a review of the roster of applicants for licensure as pharmacists and pharmacy interns and on assurance by the staff that all applications are in order and all fees paid: **on motion by Mr. Jones and Ms. McCoy**, the Board unanimously approved the following licenses:

Pharmacists licenses 13668 through 13855 and Pharmacy Intern licenses I05985 through I06026. For a complete list of names see attachments.

AGENDA ITEM IV - Special Requests

#1 Walgreens Healthcare Plus

Rick Wendling, R.Ph., Steve Vickhammer, R.Ph., and Jill Drell, JD, were present representing Walgreens Healthcare Plus to provide a final progress report to the Board relevant to the Board approved waiver for remote (off-site) on-line verification of prescriptions being dispensed from the mail-service pharmacy. Walgreens Healthcare Plus started the pilot program one year ago. Mr. Wendling provided a written overview of the program. Mr. Wendling asked to continue the program with the policies established in the final stages of the pilot and notify the Board of any major changes that might necessitate an appearance. He answered questions from Mr. Jones concerning the shifts a pharmacist may work during the day. President Draugalis said the reports were concise and stated that Walgreens could proceed with their program and did not have to appear in the future.

#2 Christine Perry

Christine Perry appeared with Lisa Yates, representing PAPA, to request to terminate the suspension of her pharmacist's license and impose probation. President Draugalis asked Ms. Perry to tell the Board how she was doing. Ms. Perry stated that she was doing fine. President Draugalis asked Ms. Perry to describe her support group. She stated that she has support from some of her family members and friends. President Draugalis asked Ms. Yates how Christine was doing in the PAPA program. Ms. Yates replied that Ms. Perry is working the program as expected this time and she has PAPA support to proceed in returning to work. Mr. McAllister asked Ms. Perry if she was ready to return to work. Ms. Perry said that she is ready to go back to work after two years and if she finds the work too stressful she will do something else. Mr. Jones asked Ms. Yates why PAPA would not support Ms. Perry in November of 2002. Ms. Yates referred the question to Ms. Perry. Ms. Perry stated that she had a relapse in 2002. She violated her PAPA contract by taking a prescription medication that she was not allowed to take during her recovery. She explained that she went to relapse prevention classes. She also stated that her father had died during this time and she also went to grief counseling since she had not dealt with his death. She stated that she now works at a half-way house for individuals recovering from alcohol addiction. Mr. Jones asked if her PAPA contract was extended. Mr. Wand stated that the PAPA contract will continue until 2007 one year after her probation ends. If she violates the contract, a new order could be written by the Board. Ms. Yates stated that PAPA tells the participant not to ask for termination of probation until the PAPA contract is completed. Mr. McAllister asked when she last worked in a pharmacy. She stated 2 years ago. Mr. McAllister asked if prior to this time if she had worked full-time in a pharmacy. She stated that she worked full-time the last nine years except for a nine month period when she had a previous PAPA contract. Mr. Wand asked Ms. Perry about the stress levels she experienced in the past. She stated that the insurance plans created stress for her but that she is learning to deal with the stress and not let it upset her. Mr. Jones asked Ms. Perry since she has not practiced for 2 years are her CE requirements current. She stated that her CE requirements were current. **On motion by Mr. McAllister and Mr. Ketcherside**, the board voted unanimously to stay the suspension and implement probation with the stipulations that Ms. Perry continue her PAPA contract and a stipulation to amend her order stating that she can not work alone in a pharmacy for the first 6 months.

#3 Kristine Wells

Kristine Wells withdrew her request to appear at this meeting.

#4 Jeffrey Szubinski

Jeffrey Szubinski withdrew his request to appear at this meeting.

#5 Aaron Ezrailson

Aaron Ezrailson withdrew his request to appear at this meeting.

#6 Jeffrey Ramsey

Jeffrey Ramsey, R.Ph. appeared with Lisa Yates, from the PAPA program, to request to modify his order to remove the pharmacist-in-charge prohibition subject to terms of his Board order. President Draugalis opened the discussion by asking Mr. Ramsey about his request. Mr. Ramsey stated that he was asking to be pharmacist-in-charge while on probation which he was prevented from doing due to his Board order. Mr. Jones asked Mr. Ramsey why he was requesting to become a pharmacist-in-charge while on probation. Mr. Ramsey stated that he is currently working at SunScript since February 22, 2002. He started as a staff pharmacist and was promoted to lead pharmacist in 6 months. With the recent ownership change at his company, he has been asked to be pharmacist-in-charge. Mr. Jones asked Mr. Ramsey to describe how the change in responsibility would cause any changes for him. Mr. Ramsey stated that he has been clean and sober for three years and has been in PAPA for 2 years. He would be responsible for managing 3 pharmacists and would have a director above him. He stated that he feels confident that he could handle the responsibility and the job would not involve any additional hours. President Draugalis asked Mr. Wand about the Board order. Mr. Wand explained the Board Order could be amended and the statement removed that stated that Mr. Ramsey could not be a pharmacist-in-charge during the probation period. President Draugalis asked Ms. Yates if PAPA would support this change. She stated that PAPA would support the change and it would not affect his recovery. Mr. Dutcher asked Mr. Ramsey if had started his 800 hours of community service. Mr. Ramsey said that he is in the process of starting his community service but has not completed any hours yet and would have it finished by the time his PAPA contract ends. On motion by **Mr. Jones and Mr. Dutcher**, the Board voted unanimously to amend Board Order 00-0015-PHR to remove the stipulation that prohibits Mr. Ramsey from being a pharmacist-in-charge.

#7 George Wiesner

George Wiesner withdrew his request to appear at this meeting and will request to appear at the November meeting.

#8 Kevin McConnell

Kevin McConnell appeared on his own behalf to address the Board regarding the revocation of his pharmacist license. President Draugalis asked Mr. McConnell to explain why he requested to appear before the Board. Mr. McConnell stated that his license was revoked by the Board about 5 years ago. He stated that he sent a time line to the Board office describing his job duties since that time. He stated that he has worked as a consultant pharmacist and implemented clinical programs. President Draugalis asked Mr. McConnell why the Board should reinstate his license. Mr. McConnell stated that he would like to continue to work in the field and to gain recognition for his work he must be licensed. President Draugalis asked Mr. McConnell if he was refuting the previous charges that resulted in the revocation of his license. Mr. McConnell said he was not and did not want to reopen the hearing. President Draugalis asked Mr. McConnell if he practiced as a pharmacist in Texas. Mr. McConnell stated that he did not practice as a pharmacist. President Draugalis stated that the Board had received documents stating that the pharmacists at the hospital thought that he was a practicing pharmacist. Mr. McConnell said he did not represent himself as a pharmacist. President Draugalis read to Mr. McConnell from his letter submitted to the Board on August 12, 2003 the section concerning a felony arrest concerning a controlled substance. Mr. McConnell stated that his initials were entered into the records of an automated dispensing machine while he was performing clinical documentations. Mr. McConnell stated that he had a felony arrest but he was not convicted. President Draugalis

read the part of his letter that stated that he pled no-contest. President Draugalis asked the Attorney General for clarification. The Attorney General stated that if you plead no contest that is the same as stating that you have no defense and are basically pleading guilty to the offense. Mr. Ketcherside read from the Conditions of Community Service document that Mr. McConnell had pled guilty to a felony. Also, Mr. McAllister noted that Mr. McConnell signed the form stating that he was pleading guilty. **On motion by Mr. Jones and Mr. Ketcherside**, the Board voted unanimously to deny Mr. McConnell's request due to the felony arrest in Texas.

#9 Steven Pinossi

Steven Pinossi appeared on his own behalf to request permission to pursue licensure by reciprocity from his active Rhode Island license. President Draugalis asked Mr. Pinossi to explain why he was required to appear before proceeding with the process of reciprocity. Mr. Pinossi explained that in 1994 he closed a pharmacy in Rhode Island. He did not comply with rules of the Board to close a pharmacy. He did not give them a 14 day notice that he was closing the pharmacy and did not complete the necessary paperwork. Mr. Pinossi stated that Rhode Island had suspended his license for a period of 6 months and his license was reinstated. Mr. Pinossi stated that Massachusetts did not take any action against his Massachusetts license. President Draugalis asked Mr. Pinossi if both licenses were in good standing at this time. He replied that they were both in good standing at this time. He stated that he does have a job prospect with a local chain. **On motion by Mr. McAllister and Ms. McCoy**, the Board voted unanimously to allow Mr. Pinossi to proceed with reciprocity.

#10 Paul Green

Paul Green appeared on his own behalf to request permission to pursue licensure by reciprocity from his active Pennsylvania license. President Draugalis asked Mr. Green to explain why he was appearing at the Board meeting. Mr. Green stated that he wanted to reciprocate his pharmacy license to Arizona and he was disciplined in Pennsylvania in 1995. President Draugalis asked Mr. Green to give the Board the background information on the disciplinary action taken against his license. Mr. Green stated that in 1994 while working in Delaware he made an error in filling a Biaxin prescription. The directions should have read to take one tablet every 12 hours, but read to take one tablet every 2 hours. Mr. Green stated the patient discontinued the medication after four doses and filed a complaint. Mr. Green stated since that incident the most important part of filling a prescription for him is to verify all prescription information. He was fined \$500.00 by the Delaware Board, since he was licensed in Pennsylvania the Pennsylvania Board took similar action and fined him \$500.00. President Draugalis asked Mr. Green about the other discipline in Delaware. He reminded Mr. Green that the discipline was for dispensing prescriptions without authorization. Mr. Green stated that he was trying to assist a patient that was going out of town for two weeks. The pharmacy that normally filled the patient's prescriptions was closed, so Mr. Green gave the patient two weeks of medication. Mr. Jones asked why the patient would file a complaint if he was helping the patient. Mr. Green stated the other pharmacy filed the complaint when the patient returned to the pharmacy with a bottle from his pharmacy. President Draugalis asked Mr. Green if his licenses were in good standing. Mr. Green stated that the licenses were in good standing. **On motion by Mr. Jones and Mr. Ketcherside**, the Board voted unanimously to allow Mr. Green to proceed with reciprocity.

Executive Director's Report

Executive Director Wand presented the Board Members with the most recent financial report and discussed various aspects of the report. He explained how funds were spent in remodeling the office and the equipment that was purchased. Board Members were given a copy of the annual report. Executive Director Wand also supplied the Board Members with copies of the Sunset review. He explained that every 10 years every state agency must review the agency's purpose and explain why the agency should continue to exist. The process is expected to be completed in December.

Deputy Director's Report

Deputy Director Frush called the Board's attention to the June and July Compliance Officer's Activity Report in the meeting book. She stated that the inspections were slightly ahead of last year except the non-prescription inspection inspections which are still lagging behind last year. She explained that the non-prescription inspector has been working with the DPS methamphetamine task force, which he did not do last year.

PAPA Report

Lisa Yates represented PAPA. She stated that PAPA currently has 35 participants. She stated since 4/23/2003, that PAPA has had 4 new participants, 3 participants have completed the program, and 1 participant had committed suicide.

AGENDA ITEM VI - Institute for the Advancement of Community Pharmacy

President Draugalis invited Laura Cranston from the Institute for the Advancement of Community Pharmacy to address the Board. Ms. Cranston stated that she is the Executive Director of the Institute for the Advancement of Community Pharmacy. Her company is located in Virginia. Her company has developed a board-approved exam that pharmacy technicians may take in Virginia to meet the criteria necessary to register as a technician. In order to register as a technician, the pharmacy technician must pass a board-approved exam or the PTCB exam. The test was developed in response to the Board's need to register all technicians in Virginia by February of 2004. Ms. Cranston stated that the test is state-specific for Virginia. She stated that the exam is less expensive than the PTCB. The cost to take the test is \$55.00. The test results are available to the technician instantaneously versus the PTCB which may take up to several weeks to receive the results. She stated that the state of Virginia felt that the lagtime in receiving the test results would exacerbate the shortage of pharmacy technicians. She stated that the test can be taken on a daily basis while the PTCB exam is given only three times a year.

President Draugalis opened the discussion by asking Ms. Cranston if validity data was available. Ms. Cranston replied that the test was validated by performing a job analysis study. Surveys were sent to about 200 pharmacists, pharmacists-in-charge, pharmacy technicians, and pharmacy technician trainers in Virginia. They were asked to evaluate certain areas according to relative importance in performing the technician's job. After the survey was completed, item writers were hired to write the test. The test bank of questions was then reviewed by the Virginia Board. The test consists of 50 questions and the test takes one hour to complete on the computer. Of the 50 questions, 5 of the questions are being field tested and are not included in the scoring. The tests are given by Laser Grade at their testing sites. Most testing facilities offer the test 6 days a week with some facilities offering Sunday hours. The test is scheduled at the convenience of the candidate.

Ms. McCoy asked if the test was directed towards technicians practicing in the community setting. Ms. Cranston stated that the test does provide a sterile product preparation section but does not place as much emphasis on the hospital setting as the PTCB exam. Also, she stated that the test does not emphasize pharmacology like the PTCB exam. Ms. McCoy asked since the test was developed for Virginia will the company customize the test for other states. Ms. Cranston stated that the test can be customized.

Mr. Wand asked Ms. Cranston if the Laser Grade sites are all located at airports. She stated that the sites in Virginia are located at the airports because Laser Grade started by offering FAA tests. She stated that it may be possible for Laser Grade to develop alternative testing sites. Mr. Wand asked if the test questions reside on the computer or are the questions satellite-beamed to the test site. Ms. Cranston replied a secure bank of questions was given to Laser Grade and resides on their computers. Laser Grade monitors the version of the test given to each candidate.

Mr. Dutcher asked Ms. Cranston who incurs the cost of customizing the test. She stated the company would incur the costs of customizing the test. She stated that they could also develop a training manual to be sold to the technician for \$35.00. She stated that the company provides a secure website that the administrative office at the Board can access to obtain the candidate's test scores.

Mr. McAllister stated that the test seemed complete. He felt that the PTCB exam was not scaring technicians away from becoming pharmacy technicians because Arizona already has a large number of certified technicians that have passed the PTCB. His concerns were that the test was developed by employers. The PTCB is a partnership between the PTCB and NABP which work to satisfy the needs of the various Boards of Pharmacy and to protect the public safety. Mr. McAllister felt that we should stay with the PTCB test. Ms. Cranston replied that the test is an alternative for technicians who are not career path technicians and the test is based on job analysis.

Mr. Drake stated that the Board may want to consider an alternative test for the non-career path technicians. He felt if the company was willing to customize the test at their cost that it may be possible to recognize this exam as an alternative to the PTCB.

President Draugalis recessed for a short break and reconvened at 10:25.

The meeting reconvened and President Draugalis stated that the Board would look at the possibility of an alternative exam. He asked if a member of the Board staff would look at this potential alternative to the PTCB exam.

AGENDA ITEM VII- Express Scripts request for approval of off-site front-end processing of prescription records and sequential number system filing of hard copy prescriptions.

President Draugalis asked Ms. Sheri Zapp, Pharmacy Director, to address the Board Members concerning the request by Express Scripts for approval of off-site front-end processing of prescription records. Ms. Zapp stated that currently Arizona licensed pharmacists and certified technicians in Albuquerque, NM are processing prescriptions for the Tempe facility through a secure login in the Tempe system. Express Scripts would like to expand this process to include their other mail order sites. Ms. Zapp stated that Express Scripts will also be using front end imaging. All information (prescription, check, order form) will be scanned and assigned a document number for tracking purposes. The scanned prescriptions will then be placed in work ques that can be accessed by all Express Script sites through the secure network. The image will allow a technician at the remote site to enter the prescription and an Arizona licensed pharmacist at the remote site to verify the prescription.

President Draugalis asked Ms. Zapp if they had started scanning prescriptions. Ms. Zapp replied that they had started front-end scanning. He asked Ms. Zapp to explain the document number. She stated that the document number is a link to all paper work associated with the prescriptions linked to that order.

President Draugalis asked if the prescription would be more readily available to the call center when a question occurs. Ms. Zapp said the image would be readily available and would be more reliable than the current system. President Draugalis asked Ms. Zapp if there have been any misfilled prescriptions since the beginning of this process. She stated that there have been no misfills.

Mr. Jones asked Ms. Zapp to review the front-end imaging process. Ms. Zapp stated that the prescriptions and all associated paperwork (check, order form) would be scanned. Due to prep work, it would take about one hour after opening the mail for images to appear in the various work queues. The work queues would be accessed through a secure network connection.

Mr. Wand asked Ms. Zapp if the dispensing pharmacist had a question about the prescription would the pharmacist have access to the image. Ms. Zapp replied the dispensing pharmacist would not have access to the image. The dispensing pharmacist could reject the prescription and the prescription would be sent to a rework pharmacist located in the Tempe facility that would have access to the image.

President Draugalis asked Ms. Zapp if it would be possible to have two pharmacists appear before the Board for a prescription error. She stated that it would be possible if the verification pharmacist verified the prescription incorrectly and the dispensing pharmacist approved the wrong medication in the vial.

President Draugalis asked if any of the Compliance staff had viewed the scanning process. Compliance Officer Mitzi Wilson had viewed both the front-end and back-end scanning processes. She told Board Members that the new front end scanning is an improvement. She stated that the image would be available immediately if the patient had a question about their medication. She stated that the previous system that used back-end scanning was often behind and the pharmacist would need to look through a stack of prescriptions to find the hard copy if the prescription was not scanned yet.

President Draugalis asked Mr. Wand if Express Scripts could continue the imaging process or did the Board need to take action. Mr. Wand explained that according to A.R.S. § 32-1964 (B) that the board shall permit pharmacies to maintain the book or file of all original prescription orders by means of electronic media or image of the original prescription order maintained in a retrievable format in a form that contains information the board requires to provide an adequate record of drugs or replacement contact lenses compounded or dispensed.

A consensus of the Board was that Express Scripts could proceed with the current procedure of front-end scanning and off-site front end processing with Arizona licensed pharmacists at all remote sites.

President Draugalis asked Deputy Director Frush to explain the law continuing education credit available and the procedure for receiving credit for attending this meeting.

President Draugalis declared a lunch break and reconvened the meeting at 1:00 P.M.

AGENDA ITEM VIII - PROPOSED RULES

Compliance Officer/Rules Writer, Dean Wright began by reviewing R4-23-406 which is no longer required due to statutory changes to A.R.S. § 32-1963.01. The statute no longer requires the Board to maintain a list of generic manufacturers or a list of approved abbreviations for these manufacturers. Mr. Wright suggested the Board repeal this rule. The Board gave approval for Mr. Wright to move forward with the Notice of Proposed Rulemaking.

Mr. Wright reviewed the pharmacy technician licensure rules and stated that the committee met but required further input from Board Members. One of the issues that needed to be discussed was the ratio. The issue was whether students attending pharmacy technician training schools would count against the ratio. The discussion continued about how to word the rule to allow students to work in the pharmacy and not affect the ratio.

Board Members then questioned if a ratio was necessary. The topic of discussion then changed to if a ratio was necessary. Mr. McAllister stated that in the past he has been a proponent of the ratio for fear that a pharmacist may need to supervise 20 technicians. He now feels the gatekeeper will be Board conferences and civil suits. He feels that no corporation would risk patient safety.

Mr. Drake stated that he agrees with the no ratio concept. He feels that with licensing of the technicians, the problems will be corrected. He feels that pharmacists need the proper kind of help and by passing the certification tests the technicians will be better trained and easier to manage.

Mr. McAllister stated that by licensing technicians the Board will now have a mechanism to remove a technician from the workforce by revoking their license.

Mr. Ketcherside stated that the Board should establish standards so that the gatekeeper is on the preventive side and not the judicial side. He felt that the Board should look at a way to prevent errors instead of resolving the errors by reviewing complaints.

Mr. Dutcher stated that a pharmacist can only handle so many people with different issues. He stated that he feels the square footage will limit the number of technicians. He liked the idea of assigning a technician trainee to a certified technician for training.

Mr. Drake stated that the technicians will be better trained and that should make the pharmacist's job easier.

Ms. McCoy stated that new systems and technology may make it easier for pharmacists to manage more technicians. She stated that she is more worried about the pharmacist to patient ratio. She stated that she is concerned about patient safety and it is often controlled by bad instances. The number of technicians should be limited by safety practices within the pharmacy. She was concerned if the number of complaints would rise.

Mr. Jones stated that he agrees that the limiting factor will be the square footage. He feels that the responsible pharmacist will know how many technicians that he can handle. He felt that the Board should rely on the compliance staff to note any unsafe situations.

Mr. Dutcher stated that often pharmacists complain that their corporation dictates their work schedule. He stated that some corporations may have 1 pharmacist on duty with 5 technicians without regard to the pharmacist's ability to manage that many technicians. He feels that this will be a cost savings for the corporation and may not be the best for the pharmacist.

Mr. Ketcherside stated the Board should provide guidelines that indicate safe practices. In reviewing complaints, he noticed that pharmacists often complain that they are overworked. He feels that by eliminating the ratio, the Board should be sure that they are not creating more work for the pharmacist resulting in more complaints.

Mr. Draugalis stated that he felt that by increasing the number of technicians in a pharmacy the workload for the pharmacist would be decreased by properly utilizing the technicians. He felt that the workflow and business would dictate the ratio in each pharmacy. He asked if the Board could eliminate the ratio and develop policy standards.

Mr. Wand stated that since this is a substantive change that the change must be done as a rule. Discussion continued among Board Members.

Mr. McAllister stated that the Board may take action against any permit holder that dictates that a pharmacist must perform in an unsafe environment. He stated that there are several states with no technician ratio.

President Draugalis reminded the Board Members that all technicians will be certified and the hospitals have had no ratio for many years.

Mr. Ketcherside wanted to know why the Board passed the 3 technicians per pharmacist rule in the past. President Draugalis started the discussion by stating that workflow issues often pulled the pharmacist away from their prescription work. Mr. Drake stated that many pharmacists appeared at the meeting and stated that they could not manage more than 3 technicians at a time. Ms. McCoy stated that the ratio was increased when the Board stated that one technician needed to be certified. She stated that by utilizing the technicians correctly the pharmacist will be able to counsel the patient thus avoiding a consumer complaint and an appearance in front of the Board. Mr. McAllister stated that the pharmacists were worried that technicians would take away their jobs. Mr. McAllister feels that now the pharmacist is more worried about patient safety. Mr. Dutcher feels that the loss of jobs could still be a concern among some pharmacists. Mr. Draugalis stated that he is constantly hiring pharmacists and we should follow the best practices for the patient and the pharmacist.

President Draugalis asked Mr. Wand to comment on the substantive change. Mr. Wand stated that since this is a substantive change a consensus must be reached. Mr. Wright stated that since no hearing has been held to this date, he could prepare a notice of proposed rulemaking and a hearing can be held.

A roll call vote was taken. Six Board Members voted aye while Mr. Dutcher voted nay.

The Board then discussed the section dealing with the impaired technician. President Draugalis asked Mr. Wright if money is appropriated to treat impaired technicians. Mr. Wright replied that the Board does not have statutory authority to appropriate funds to treat technicians. He stated that technicians would need to self fund their treatment. Mr. Wand stated that a Board Order would state that the technician needs to self fund their treatment. A consensus among Board Members indicated that they would like Mr. Wright to change R4-23-415 to remove pharmacy technicians from the impaired programs

Mr. Wright reviewed several other changes he made and was asked by Mr. Wand due to the changes in ratio if section R4-23-653 (F) dealing with hospital technicians could be eliminated. Mr. Wright stated that he would review the section, and delete any sections that are referenced in Article 11.

Mr. Wright received Board Approval to proceed with a Notice of Proposed Rulemaking.

Mr Wright then addressed the wholesalers rule. Mr. Wright stated that the resident wholesaler rule requires a full service wholesaler to maintain a copy of the permit, license, registration, etc. of each person or firm to whom they sell a drug. The nonresident wholesaler rule does not require a nonresident full service wholesaler to maintain a copy of the permit, licenses, registration, etc., but only states to whom the wholesaler may sell a drug. The proposed changes will address this issue and both rules will state that the wholesaler must maintain a copy of the permit, license, registration, etc. of each person or firm to whom they sell a drug. The Board gave Mr. Wright approval to proceed with this rule.

Mr. Wright then addressed the changes made to R4-23-110, 402,408, and 609. A Notice of Proposed Rulemaking was published in the Administrative Register on July 18, 2003 and a public hearing was held on August 18, 2003. No one attended the public hearing. APA did send a letter offering their support for the rule. **On motion by Mr. Mcallister and Mr. Ketcherside**, the Board unanimously approved the package to be sent to GRCC for final approval.

AGENDA ITEM IX - COMPLAINT REVIEW

The Consumer Complaint Review committee met prior to the Board Meeting to review 34 consumer complaints in preparation for making recommendations to the Board for the final resolution. Members McCoy and Drake served as the review committee. Ms. McCoy provided a summary of each complaint and provided the committee's recommendation to the Board. Board Members were encouraged to ask questions. Following the presentations and discussion the Board voted on each complaint individually. The following summary represents the final decision of the Board in each complaint:

Complaint # 2655 - Letter of Warning- Review of Policy and Procedures and requirements for counseling

Complaint # 2656 - Letter of Warning - Review return to stock policy

Complaint # 2665 - Conference - Pharmacist and technician

Complaint # 2666 - Complimentary Letter to Pharmacist -Commending her actions to educate the patient about the using one pharmacy to fill his prescriptions

Complaint # 2667 - No further action

Complaint # 2668 - Conference

Complaint # 2670 - Conference - Pharmacist and technician

Complaint # 2671 - Letter of Warning - Request to supply Board with changes to Policy and Procedures

Complaint # 2672 - Complimentary Letter to Pharmacist - Commending pharmacist for preventing the misuse of a controlled substance by the patient

Complaint # 2673 - No further action

Complaint # 2674 - Conference - 2 Pharmacists

Complaint # 2675 - Letter of Warning - Pharmacy needs to clarify policy and procedures

Complaint # 2676 - Conference

Complaint # 2677- Conference - Pharmacist and technician

Complaint # 2678 - No further action

Complaint # 2679 - Pharmacist - Consent Pharmacy - Consent Owner - Consent

Complaint # 2680 - Same Pharmacy as Complaint #2679 - Same action as above

Complaint # 2681 - Conference

Complaint # 2682 - Letter of Warning to Pharmacist dispensing Coumadin and Ibuprofen. Conference- Pharmacist responsible for dispensing Morphine Sulfate

Complaint # 2683 - No further action

Complaint # 2684 - No further action

Complaint # 2685 - Conference

Complaint # 2686 - No further action

Complaint # 2687 - Conference

Complaint # 2688 - Conference

Complaint # 2689 - No further action

Complaint # 2690 - No further action

Complaint # 2692 - Letter requesting pharmacy to submit policy and procedure change

Complaint # 2693 - Conference

Complaint # 2694 - Letter requesting pharmacy to submit copy of shipping guidelines

Complaint # 2697 - Consent

Complaint # 2660 - No further action

Complaint # 2669 - Letter requesting pharmacy to submit policy and procedure changes

Complaint # 2695 - Withdrawn - Complimentary letter to pharmacist commending him on the actions taken to deliver the medication to the patient.

AGENDA ITEM XI - CONFERENCES

COMPLAINT # 2645

President Draugalis called Pharmacist Vonda Volesky and supervisor Darren Kennedy forward to address the Board about the consumer complaint. Compliance Officer Dean Wright was present to report the findings of his investigation. President Draugalis asked Ms. Volesky to discuss the events leading to this discussion. Ms. Volesky stated that the patient dropped three prescriptions off at the pharmacy early one morning. She stated that she opened the pharmacy at 8:00 A.M. by herself and the first technician started at 10:30 A.M. She stated the technician entered the prescriptions. She stated that the technician entered NALT because she incorrectly read the letter V at the beginning of the drug name as the letter N. Ms. Volesky stated that she did not catch the mistake when checking the prescription. She stated that she was notified of the error about 2 weeks later. The pharmacy manager told her it was being taken care of by the insurance company. Ms. Volesky said that she was very sorry for the error and does care about the patient. She has changed her practice by not allowing the technician to place the sticker on the back of the prescription. After she checks each prescription item, she then places the sticker on

the back of the prescription. Board Members asked the supervisor if the technician can search for the drug by NDC number and was told that they could search by NDC number. President Draugalis told Ms. Volesky to concentrate on workflow and maybe entering prescriptions using the NDC number would prevent errors

COMPLAINT #2650

Pharmacist William Plachetka and supervisor Rick Gates were present relevant to a consumer complaint. Also, present was Fred Cummings attorney for Mr. Plachetka. Compliance Officer Larry Dick was requested to describe the findings of his investigation. President Draugalis asked Mr. Plachetka to discuss the events leading to this discussion. Mr. Plachetka stated that the patient received Prometrium 200mg instead of Provigil 200mg. He stated that he did not recall the events of the day. President Draugalis asked Mr. Gates if the technician was present. He stated that she was not. President Draugalis asked if a letter was sent to the technician to appear. Deputy Director Frush stated the letter was sent to the corporate office to the attention of her supervisor Mr. Gates. The letter is sent to the supervisor because the Board does not have current addresses for technicians. Mr. Gates said he did not see the letter. President Draugalis asked Mr. Gates about the entering of the prescription. Mr. Gates stated that a technician can enter the first three letters of the drug name and strength and the drug will appear on the screen for the technician to select. President Draugalis asked Mr. Plachetka to describe how he has changed his practice since this error occurred. Mr. Plachetka stated that he now uses the Baker Scale to verify the bar code on the label and the bar code on the bottle. He stated that he proofreads each prescription and validates it against the label. Mr. Plachetka was asked if the patient was counseled. He said he did not recall the events of the day, but asks every patient if they would like counseling. Mr. McAllister told Mr. Plachetka that he missed several opportunities to have prevented this error. He told Mr. Plachetka that if he had looked at the prescription he would have noticed that the physician was a neurologist and would not prescribe Prometrium. He also told Mr. Plachetka that if he had collected disease state data that he would have realized that the patient was not being treated for a gynecological problem. He told Mr. Plachetka that if he had counseled the patient and explained the use of the medication the patient would have told him that she was not being treated for a gynecological problem but multiple sclerosis. Also, Mr. McAllister strongly reminded Mr. Plachetka that he can not ask a patient if she would like counseling. Counseling is required by law on all new prescriptions. Ms. McCoy also reminded Mr. Plachetka that counseling is required and that is how the pharmacist takes care of their patients.

President Draugalis reminded Mr. Plachetka and the audience that counseling is required by law and should not be an issue that causes a pharmacist to appear before the Board. President Draugalis reminded all pharmacists that a complaint in the future where the pharmacist did not counsel the patient may involve more stringent discipline than a conference.

COMPLAINT #2651

President Draugalis called Pharmacist David Incardona and supervisor Brad Barron to address the Board relevant to their role and recollection in this consumer complaint. Compliance Officer Mitzi Wilson reported the findings of her investigation. President Draugalis asked Mr. Incardona to provide a recollection of the events. Mr. Incardona stated that he entered the prescription in the computer by scrolling for Enalapril. He stated that he selected the drug and went to the shelf with the prescription and pulled the bottle. He stated the label did not specify the strength and the NDC number was incorrect. He corrected the NDC on the label for the brand he dispensed but did not change the drug in the system. Subsequently, when he refilled the prescription the drug name had been corrected in the system and since he did not change the drug dispensed initially, he dispensed the wrong strength. President Draugalis stated that the error should have been corrected the next day when Mr. Incardona signed the prescription log. Mr. Incardona stated that he did not notice the error. Mr. Incardona states that he now circles the strength on the prescription and enters the prescription by the NDC number after pulling the bottle from the shelf. Brad Barron answered questions from Board Members concerning the computer system. He stated that often when price changes were made by the vendor, name changes and descriptions were changed. Brad stated that they have now expanded the field to 27 characters to ensure that the name, strength, and dosage

all appear on the label. President Draugalis reminded Mr. Incardona to be sure and check the log on a daily basis because the log reflects what you filled and may allow you to alert the patient before the patient takes the incorrect medication.

AGENDA ITEM XI - CONSENT AGREEMENTS

President Draugalis did not participate due to a conflict of interest. He turned the meeting over to Vice President McAllister. Vice President McAllister asked Board Members if there were any questions or discussion concerning the consents. Vice President McAllister reminded the audience that one of the consents was issued due to improper counseling. He stated that the consent involved a \$500.00 fine and a one year probation against the pharmacist's license. Executive Director Wand indicated that all matters on the agenda have been resolved as Consent Agreements or stipulated orders that have been reviewed and approved by the Attorney General's Office.

On motion by Mr. Dutcher and Mr. Drake, the Board unanimously agreed to accept the following Notices of Hearing/Consent Agreements as presented in the meeting packet and signed by the respondents:

Evan Davis	03-0008-PHR
Osco Drug #9222	03-0010-PHR
James Seitz	03-0012-PHR
Erika Boyer	03-0011-PHR

AGENDA ITEM XIII - REVIEW OF OLD BUSINESS

Wal-Mart DUR Policy

President Draugalis commended the company on the change to their policy that will allow an initial filling pharmacist to view the same DUR message the filling/hold pharmacist received prior to placing the prescription in the hold file. He thanked Melissa Christensen, the pharmacy supervisor, for ensuring this change was made.

NABP Newsletters

President Draugalis asked Executive Director Wand to address this issue. Mr. Wand stated that when renewals are sent to the pharmacists, the pharmacist will receive a letter listing various options that the pharmacist will have to receive the newsletters. The pharmacist will have the choice to receive the newsletter by mail or e-mail. The use of e-mail will decrease the cost of postage and meet the governor's directive for state agencies to reduce postage costs.

Kenco Pharmacy Closure

President Draugalis asked Executive Director Wand to address this issue. Mr. Wand stated that Kenco was not able to purchase supplies from wholesalers after the wholesalers were alerted that the pharmacy may be involved in a scam to purchase medications through the pharmacy and sell the product through the wholesale operation. Mr. Kendrick returned his pharmacy permit and discontinued operations.

AGENDA ITEM XIV- DRUG THERAPY MANAGEMENT

President Draugalis called upon Deputy Director Frush to address the Board concerning the activities of the drug therapy management committee.

Ms. Frush stated that the Board has just received the name of an allopathic physician that was willing to serve on the committee. The physician is Dr. David Butler. He is a hospitalist with a specialty in internal medicine. **On motion by Mr. Jones and Mr. McAllister**, the Board unanimously approved the appointment of Dr. David Butler to the drug therapy management committee.

Ms. Frush stated that the committee has met and reviewed four initial drug therapy management agreement applications. The committee recommended the approval of the El Rio Hospital proposal with minor revisions. The committee recommended the denial of two agreements because they required major revisions. The committee recommended the denial of the fourth agreement because the pharmacy at this time is not an approved site.

Ms. Frush stated that the committee would like Board approval to notify the applicants of the recommended changes to their agreements. If the changes could be made prior to the November Board meeting, then the agreements could be presented at the Board meeting for approval or denial.

President Draugalis asked if the El Rio proposal could be approved contingent upon the pharmacist making the necessary revisions and if Ms. Frush could describe the changes needed for approval. Ms. Frush described the changes for the Board Members. President Draugalis asked if the Board members had any other questions. President Draugalis told Ms. Frush that the committee has Board approval to notify the pharmacist at El Rio that her proposal has been approved and to notify the other applicants of the changes required.

AGENDA ITEM XV- APPROVAL TO ATTEND NABP CONFERENCES

President Draugalis asked Executive Director Wand to address the Board Members concerning the attendance at the NABP conferences. Mr. Wand stated that the NABP's 2003 Fall Legislative Conference will be held in Washington, DC from September 14-16, 2003. The topics to be discussed at the meeting include the following: Federal legislative update, Electronic prescriptions and electronic signatures, Update on state controlled substance monitoring programs, Technician diversion and monitoring, and HIPAA Privacy update. Mr. Wand requested approval for himself and Mr. Draugalis to attend the conference. Mr. McAllister will be attending the conference and his expenses will be paid by NABP since he serves as the treasurer for NABP. While in Washington, they will meet with legislative representatives from Arizona. **On motion by Mr. Ketcherside and Ms. McCoy**, the Board unanimously approved the request for the Executive Director and the President to attend the NABP's 2003 Fall Legislative Conference.

Mr. McAllister stated that he will be attending the NABP district meeting in Montana. He asked if any Board Members or staff have any resolutions that they would like to put forth to please contact him before Wednesday, September 3, 2003.

AGENDA ITEM XVI- EXECUTIVE SESSION

President Draugalis recessed the open meeting and reconvened in Executive Session for the purpose of discussing personnel issues... Executive Director evaluation. **On motion by Mr. Jones and Mr. Drake**, the executive session concluded at 4:00 P.M. and the public meeting reconvened.

AGENDA ITEM XVII - CALL TO THE PUBLIC

President Draugalis announced that interested parties have the opportunity at this time to address issues of concern to the Board, however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda. Comments included: the video presentation was extremely helpful, requests to add the complaint summary to the website, and the recommendation that pharmacists use open-ended questions during counseling. APA also stated that the PAPA steering committee is seeking alternative means to fund PAPA.

There being no further business to come before the board, **on motion by Mr. Jones and Mr. Drake**, the board unanimously agreed to adjourn the meeting at 4:15 P.M.

August 28, 2003

President Draugalis reconvened the meeting at 9:00 A.M. President Draugalis asked Deputy Director Frush to explain the law continuing education credit available and the procedure for receiving credit for attending this meeting.

AGENDA ITEM XII - HEARINGS

President Draugalis opened the administrative hearing.

This is the time and place for consideration of the matter of the hearing to determine whether to revoke or suspend the License Number P4312, issued to Harry Joo Chung, Notice of Hearing No. 2003-09-H.

The licensee and the witnesses for the state were sworn in by the court reporter. Both counsels waived the reading of the Notice of Hearing.

Opening statements were read by counsel for the state and the counsel for the licensee. The hearing then proceeded.

The attorney for the state presented his witnesses and evidence pertinent to the proceedings. Witnesses were cross-examined by the attorney for the licensee.

At the conclusion of the State's presentation of witnesses and evidence, the attorney for the state rested and the attorney for the licensee presented his witness (the licensee) and evidence.

After both counsels presented their witnesses and evidence, the attorney for the state and the licensee made their closing arguments.

On motion by Mr. Dutcher and Ms. McCoy, a roll call vote was taken and all Board Members agreed unanimously to adopt the findings of fact and allegations of unprofessional conduct.

On motion by Mr. McAllister and Mr. Jones, a roll call vote was taken and all Board Members agreed unanimously to adopt the conclusions of law, including the additions stipulated to by both attorneys to include A.R.S. § 32-1932 (A)(9) and (A) (10).

On motion by Mr. Dutcher and Mr. Drake, a roll call vote was taken and all Board Members agreed unanimously to revoke license number P 4132 effective immediately since he posed a threat to public safety, the licensee could not appeal due to the threat to public safety, and fine the licensee one thousand dollars (\$1,000.00) for each of the allegations in the findings of fact for a total of twelve thousand dollars (\$12,000.00)

The Board stated that a Compliance Officer would go to the store to pick up his permit and ensure that he is no longer selling non-prescription medications.

The Board Office will have copies of the transcript of the hearing prepared within 2 weeks.

AGENDA ITEM XVII - CALL TO THE PUBLIC

President Draugalis announced that interested parties have the opportunity at this time to address issues of concern to the Board, however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

There being no further business to come before the board, **on motion by Mr. McAllister and Mr. Jones**, the board unanimously agreed to adjourn at 1:00 P.M.

Paul Draugalis, President Date

Dennis McAllister, Vice President Date

Hal Wand, Executive Director Date